SPANNING BRIDGES BETWEEN THEORY AND PRACTICE:
TERMINOLOGY WORKFLOW IN THE LEGAL AND ADMINISTRATIVE DOMAIN

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Abstract: The purpose of this paper is to illustrate the workflow for the elaboration of multilingual terminology in the legal and administrative domain. Next to giving a short overview over each single step in the workflow, we focus on two important aspects that make multilingual terminology work in the legal domain so challenging and partly different from multilingual terminology work in other domains: the micro-comparative approach and the strong involvement of domain experts. Finally, we discuss a series of practical aspects that distinguish work in the legal domain from terminology work in other domains and partly even clash against some of the requirements set by general terminology theory and practice.

ZWISCHEN THEORIE UND PRAXIS BRÜCKEN SCHLAGEN: DER ARBEITSABLAUF FÜR DIE ERARBEITUNG VON TERMINOLOGIE IM BEREICH RECHT UND VERWALTUNG

Abstract: Dieser Beitrag stellt kurz die einzelnen Arbeitsschritte zur Erarbeitung mehrsprachiger Terminologie vor. Der Fokus liegt auf den Bereichen Recht und Verwaltung, die für TerminologInnen sowohl sprachlich als auch begrifflich stets eine besondere Herausforderung darstellen. Besondere Aufmerksamkeit wird dabei den Faktoren geschenkt, die die Terminologiearbeit in diesen Bereichen von der mehrsprachigen Terminologiearbeit in anderen Fachbereichen unterscheidet. Dies sind die Mikrovergleichung und die enge Zusammenarbeit mit den Fachexperten. Schließlich folgt eine Übersicht über jene Aspekte, in denen sich die rechtsterminologische Arbeitspraxis teilweise von den praktischen und theoretischen Grundsätzen der Allgemeinen Terminologielehre unterscheidet.

**BUDUJĄC MOSTY MIĘDZY TEORIĄ I PRAKTYKĄ:
ROZWÓJ TERMINOLOGII W RAMACH PRAWA I ADMINISTRACJI**

Abstrakt: Celem artykułu jest zilustrowanie rozwoju terminologii multilingwalnej w ramach dziedziny prawa i administracji. Przedstawione są kolejne kroki tego procesu ze szczególnym uwzględnieniem tych aspektów, które powodują, że praca z terminami multilingwalnymi stanowi poważne wyzwanie i różni się od multilingwalnej terminologii stosowanej w innych dziedzinach. Ponadto omówione są praktyczne aspekty wynikające z tych różnic.

Introduction

Several studies have been carried out on terminology work in general and on legal terminology work in particular (cf. e.g. Sandrini 1996; Mayer 2000; Arntz 1993, 1999; Arntz and Sandrini 2007), but their focus was not on workflow research. Workflow research can be seen as part of process research concerning workflow management and cooperation. Within the EU-funded project LISE (Legal Language Interoperability Services)[1] researchers carried out a workflow analysis to study and to model the steps and roles involved in terminology work, with particular attention to the legal and administrative domain, in order to streamline and improve collaborative terminology work.

Workflow research can follow different approaches, a quantitative, a qualitative or a mixed approach. For this study we followed a mixed approach, but in this paper we report on the qualitative part of the research[2]: 17 semi-structured expert interviews within 16 terminology centres/units were carried out between 2011 and 2012, using a definition by Meuser and Nagel (cf. Meuser and Nagel 1991, 443) which considers experts as part of the sphere of activity that forms the object of research. The 16 terminology centres/units are part of organisations and institutions in Europe and beyond acting at local/regional, national and international level. The selected sample aims at representing all different types of terminology work and approaches that can be found in literature (cf. Wright and Budin 1997, 1 ff.): monolingual vs. bilingual/multilingual, prescriptive vs. descriptive, translation-oriented vs. multipurpose, ad-hoc vs. systematic vs. text-based, proactive vs. a posteriori. The sample consists of international institutions (e.g. FAO), supranational institutions (e.g. EU institutions), governmental bodies (e.g. ministries of foreign affairs), regional bodies (e.g. Canton Bern) and other organisations (e.g. TNC).

Prior to the interviews we prepared a semi-structured interview protocol with questions on general aspects, methodology, terminology management, terminology management systems and terminology planning. Nearly all of the interviews were conducted face-to-face, only one person was interviewed via conference call. The interviews were recorded, provided that the interviewees had granted their consent to do so and later transcribed to facilitate the analysis (cf. Chiocchetti and Ralli 2013, 11). The interviews were also anonymised. Therefore, when referring to a specific interview in this paper we use the code INT followed a number, for example: INT1.

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[1] The LISE project has received funding from the EC (ICT-PSP) under Grant Agreement n° 270917. More information on the project can be found on the project website: www.lise-termservices.eu.

[2] The quantitative approach consisted in circulating an online survey containing a questionnaire on all issues treated within the interviews. The results of both the quantitative and qualitative part of the research confirm each other.

The terminology workflow

The interviews have shown that the terminology elaboration workflows differ from one terminology centre/unit to another (cf. Chiocchetti and Ralli 2012, 13). This is due to various factors, *inter alia* the main purpose of terminology work (e.g. standardisation-oriented or translation-oriented), organisational structure (e.g. single terminologist, team), job profiles (e.g. terminologist, translator/terminologist, lawyer-linguist), number of stakeholders involved (e.g. in-house, intra-institutional, inter-institutional target groups), stages in text/translation production when terminology is produced (before, during and after text/translation production), number of languages (monolingual, multilingual terminology work) (cf. Wright and Budin 1997, 1 ff.; Lušicky and Wissik 2013). Notwithstanding these differences, when abstracting from single peculiarities the core steps that are common to every terminology elaboration process can be identified as follows:

(i)   needs analysis,
(ii)   defining priorities,
(iii)   documentation,
(iv)   term extraction,
(v)   term selection,
(vi)   elaborating terminological entries,
(vii)   revision and quality assurance,
(viii)   dissemination,
(ix)   maintenance.

In prescriptive or standardisation-oriented terminology work there will be a further step before dissemination, namely standardisation. Standardisation-oriented terminology work follows particular rules[3] and will not be discussed in this paper.

The needs analysis step serves to identify the specific needs for terminology work. Two parameters are especially important during this first phase, the time frame of terminology elaboration and the terminological issues that should be dealt with (cf. Chiocchetti et al. 2013, 15). After having completed a detailed needs analysis and having defined the priorities (i.e. which needs will be addressed and processed first), the documentation phase starts. Not all types of sources collected during documentation are textual sources like documents, legal documents and terminological databases. Also domain experts can be used as a source of information. According to the purpose, content and target users of terminology work, some types of sources will be considered more or less relevant for terminology work and more or less authoritative. The next step consists in extracting terms from the available collection of documents, either manually by reading texts and excerpting candidate terms, or (semi-)automatically by using dedicated tools (Chiocchetti et al. 2013, 21). This activity produces a list of candidate terms that have to be validated in the term selection phase in order to be further elaborated and included in the terminological database. During the elaboration of the complete terminological entries further information is added at different levels (i.e. entry level or concept level, language level, term level). This information can be

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[3] Concerning standardisation see for example Chiocchetti et al. 2013, 31 ff.; Chiocchetti et al. 2006; Ralli and Stanizzi 2008.

definitions, contexts of use, equivalents in other languages, synonyms and variants in the same language, sources of definitions and contexts, linguistic information (e.g. grammatical information) and additional information, such as notes (cf. Chiocchetti et al. 2013, 23 ff.). All these types of information should be entered in separate specific data categories as defined in the ISO TC 37 Data Category Registry[4] to facilitate future exchange or mergers of data.

In the following revision phase three different stages of quality check can be performed (cf. Chiocchetti et al. 2013, 28 ff.):

(i)   linguistic revision, to check the linguistic correctness of the entry, e.g. typos (cf. "all data in [our database] have to be verified and validated by native-speaker terminologists" (INT7));

(ii)   formal revision, to make sure that all formal rules have been respected, e.g. completeness of the entry, form of the definition, presence and correctness of source quotations, working cross references (cf. "wir machen Qualitätssicherung […], das Gegenlesen oder Korrekturlesen, […] und dann validiere ich und sage: „Bitte, formale Kriterien einhalten" […]"[5] (INT1));

(iii)   content revision, to verify whether the concepts are defined properly, the equivalents or the synonyms/variants are correct, etc.

Different people with different roles and profiles can be involved during revision, depending on the internal organisation of the terminology centre/unit and on the scope and purpose of terminology work.

The last step – and one of the most important ones – in the terminology workflow is dissemination. The elaborated terminology should reach the intended end users, usually translators, technical writers, legal drafters and/or the general public. Depending on the purpose of terminology work and on the type of end users, the results of the workflow just described can be disseminated via different channels. Typically terminology can be published in

(i)   public terminological resources (e. g. freely available online terminological databases)

(ii)   internal terminological resources (e. g. terminological databases on the intranet)

(iii)   dictionaries (paper or online dictionaries)

(iv)   thematic glossaries and lists of terms (cf. Chiocchetti et al. 2013, 38).

Figure 1 below illustrates the core steps in terminology work in a linear graphic. Maintenance activities are not shown in the figure, as maintenance is usually not a workflow step that is performed at a certain point in time within the terminology workflow. Maintenance can occur before or after dissemination or even at the documentation stage. Its frequency also depends on the terminology centre/unit: it might take place e.g. on a daily or on a monthly basis or whenever a certain step in the terminology elaboration process has been completed. Maintenance activities can be

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[4] ISO TC 37 Data Category Registry "ISOcat". Available online at: www.isocat.org.
[5] "We do quality assurance […] checking or correcting […] and then I validate and say: 'Please, respect formal criteria' […]" (translation by the authors).

event-driven (like a spelling reform or legal reforms) or can be motivated by the need to ensure and maintain the quality of the terminological resource.

Example 1: Regular maintenance steps

> Vor dem definitiven Import einer thematischen Sammlung in die Datenbank führen wir […] eine automatische Dublettenkontrolle auf eine oder zwei Sprachen in der Datenbank durch (INT12)[6].

Now that we have seen the core steps in terminology work, in the following section we will focus on two important aspects that make multilingual terminology work in the legal domain so challenging and partly different from multilingual terminology work in other domains: the micro-comparative approach and the strong involvement of domain experts.

Focus: the role of micro-comparison in legal terminology work

Terminology work in the legal and administrative domain is particularly challenging in the terminology elaboration phase (see step *vi* above), as we will explain in the following two sections.

Micro-comparison

Legal terminology is the expression of a specific culture. It is deeply connected to the legal system it belongs to (de Groot 1999a, 206; 1999b, 12 ff. calls this phenomenon *Systemgebundenheit*) and is strongly influenced by cultural, social and economic factors (cf. Sandrini 1996, 138, Šarčević 1997, 232). Legal terms evolve together with these factors, which vary from time to time as they keep up with prevailing values. Legal terminology is also the instrument used to express the rule of law. It serves as a means of communication for the implementation of law and, at the same time, as a means through which the law regulates the rights, duties and rules of behaviour for all individuals in social life (Ralli 2006, 69). For all these reasons, legal terminology needs to be as precise, correct and clear as possible. In multilingual environments (e.g. the EU, Canada, Switzerland) fulfilling these requirements becomes essential to ensure the possibility of expressing exactly the same legal concepts, contexts and rules in more than one language.

When dealing not only with more than one language but also with distinct legal systems, a further challenge adds to the purely linguistic one: next to linguistic differences also the similarities and differences between the legal systems under analysis must be considered. Kerby (1982 in de Groot 1999b, 18) stresses that translating legal texts or even just finding an equivalent term in another legal system does not merely consist in finding a linguistic label, i.e. in the simple transfer from one language to another, but in moving from one legal system to another. Consequently, the translation of legal texts and terms requires – besides linguistic and cultural knowledge about the source and target languages – also knowledge about the legal context of the source and the target legal systems (Chiocchetti and Ralli 2011, 137).

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[6] "Before the final import of a thematic collection into the database we run […] an automatic check for doublettes over one or two languages in the database" (translation by the authors).

In order to better understand legal terms, terminologists usually apply the method of micro-comparison in their researches for equivalents in other legal systems. This method is used in comparative law for the study of single legal concepts (e.g. marriage, employment contract) in a contrastive perspective (Ralli and Stanizzi 2008, 65), as opposed to macro-comparison, which analyses entire legal families. In terminology work micro-comparison helps analysing and acquiring more detailed knowledge on concepts that belong to different legal systems in order to spot similarities, differences, inconsistencies and gaps, both from a conceptual and terminological perspective as well as from the perspective of the effects and function of each concept within its system (Pizzorusso 1995, 138; Chiocchetti et al. 2009, 3; Ralli 2009; Chiocchetti et al. 2013, 12). On this basis, it is possible to evaluate whether a legal concept (or in a broader sense, legal knowledge) can be fully or partially transferred from one legal system to another. This aspect is particularly important from the point of view of international cooperation and legal interpretation. In practical terminology work using the approach of micro-comparison helps identifying equivalent and nearly equivalent legal terms in the legal systems that are being investigated, as well as avoiding the use of false friends.

Steps of micro-comparison

Micro-comparison can take place at two levels (Ralli et al. 2010, 129; Chiocchetti et al. 2013, 12):

(i)   at interlinguistic level, i.e. between legal systems using different languages;

(ii)   at intralinguistic level, either 1) within the same legal system and language or 2) between different legal systems using the same language. Situation 1) occurs, for example, when the terminological analysis is enacted at local vs. regional or national vs. federal level. In such cases different designations expressing the same concept may be encountered. In Switzerland, for example, the President of the Federal Council is a *Landammann, Präsident des Staatsrates, Regierungspräsident* or *Präsident des Regierungsrats*, depending on the Canton (Wissik 2012, 51). Situation 2) applies, for example, when a legal concept must be translated into German (without any specification of which kind of legal German!). In that case it will be necessary to consider the law in Germany, Austria and Switzerland. In these countries the language is, of course, the same, but each of these legal Germans refers to different realities with their own legal *realia* and their specific cognitive structures and taxonomies (Šarčević 1997, 232).

Regardless of whether micro-comparison takes place at interlinguistic or intralinguistic level, when applied to multilingual terminology work it requires the following steps (Sandrini 1996, 165 ff., Mayer 2000, 299 ff., Arntz et al. 2004, 219 ff.):

(i)   delimiting the domain under analysis,

(ii)   creating small thematic glossaries (e.g. when analysing penal law, a glossary on "offences"),

(iii)   collecting relevant source documentation,

(iv)   selecting the terms to be treated in the source language and source legal system,

(v)   identifying the conceptual relations between the terms of the domain,

(vi)   repeating the same work for the target legal system(s) and language(s),

(vii)   comparing single concepts in the two resulting concept systems (steps *v - vi*) in order to define their degree of equivalence and thus be able to assess whether they are similar or not (cf. Arntz 1993, 6; Palermo and Pföstl 1997, 51-52).

It is clear that micro-comparison requires a great deal of efforts and a close cooperation between terminologists and domain experts (see dedicated section below). Probably this is the reason why contrastive terminological and legal analyses are carried out quite rarely in daily terminology practice, as our investigation shows. In fact, most terminology centres working on legal and administrative terminology usually deal with one legal system, even though in several languages, since they often support their national or local bodies and translation services. Consequently, they have only one legal frame of reference and apply to legal terminology the same methodology used for elaborating terminology in other domains (e.g. medicine, biology, etc.).

Example 2: Multilingual legal terminology work without legal comparison

> Meistens ist es ja so, dass unsere Hauptquellen wirklich die [bundesstaatlichen] Erlasse sind, Botschaften [Mitteilungen], Gesetze... und dahinter verbirgt sich ja wirklich meistens dasselbe System. […] Und deshalb haben wir meistens schon entsprechende Begriffssysteme (INT12).[7]

Only few organisations make legal comparison their core activity and regularly specify the legal system of reference for every term (cf. also Chiocchetti and Ralli, 2013, 25-26). In other words, a limited number of terminology centres systematically compare legal terminology across legal systems; most do it occasionally or not at all.

Focus: the role of the domain experts in legal terminology work

Terminology work requires carrying out very varied and often highly specialised tasks. Ensuring high quality in each step in the workflow often means that tasks and roles need to be allocated to a team of people with diverse competences and skills. Teams may consist of linguists and domain experts, either working alongside together, or domain experts checking and revising the work done by linguists.

The exact constellation and roles of the team involved in terminology work depend on various factors, including the size of the organisation, the type of terminology work (either ad hoc or systematic), objectives and scope of the project, the domain that is being treated, and resources (financial, human, time). In general, the following profiles are involved in terminology work: staff with terminology-related expertise (e.g. terminologist, translator-terminologist), staff with management-related expertise (e.g. coordinator of terminology unit), staff with domain-related expertise (e.g. domain experts, lawyer-linguists), staff with expertise in information technology (e.g.

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[7] "Usually it is like this, that our main sources really are the [federal] decrees, communications, laws... and behind them there usually is the same system, actually. […] And that is why we usually do have corresponding conceptual systems" (translation by the authors).

IT specialist, computational linguist), and users of terminology (e.g. translators, interpreters, legal drafters, but also domain experts) (cf. Chiocchetti et al. 2013, 40 ff.).

Domain experts
Domain experts or subject-matter experts are experts in one or more specific subjects that are being treated in the course of terminology work. Unlike terminologists, domain experts are often not required to be multilingual. Within the framework of terminology work, domain experts can act as: consultants, revisers, standardisers or terminologists (cf. Chiocchetti et al. 2013, 40-48).

Domain experts may initiate terminology work by spotting a terminological gap and voicing a need for terminology work. In their role as consultants, domain experts are on the one hand considered to be a source of information for terminologists (other sources being written sources, such as legal documents, standards, documents that are recognised by the scientific community, and other documents). They may help terminologists by explaining a concept or providing a definition of a concept. On the other hand, they may be asked to advise on written sources. They may be involved in the very beginning by selecting reference material or recommending documents for further research. Furthermore, they may also instruct on authority and hierarchy of documents. In the legal and administrative domain, the advice of domain experts is of uttermost importance in micro-comparison, as discussed above.

In their role as revisers, domain experts are ideally involved in the terminology workflow for content revision. Domain experts are often not familiar with the principles of terminology work or terminology revision. This need for a systematic approach in order to familiarise domain experts with the principles of terminology work was expressed in the interviews:

Example 3: Domain expert as reviser in terminology work
> Also dass wir dem […] Experten klar machen mussten, eine Definition besteht aus einem Satz. Grundsatz (INT10)[8].

It is therefore highly recommended to develop guidelines or checklists for revisions done by domain experts. On the basis of such guidelines, domain experts may revise terms, definitions, variants or synonyms, or even whole terminological entries.

In their role as standardisers, domain experts are usually members of standardisation committees. In the case of standardisation-oriented terminology work, domain experts represent a core role of the workflow, often expressing the need for standardising terminology in a specific domain (cf. Chiocchetti et al. 2013, 31 ff.). Domain experts may also act as terminologists proper, although this is rarely the case in practice. Dissemination of terminology is an important final task carried out by the domain experts. They are also on the recipient side of terminology as end-users.

As manifested in the interviews, there is often a wide divide between terminological theory and practice, especially regarding the involvement of domain experts in terminology work. The main reasons are reportedly of financial or organisational nature. Nevertheless, some institutions reported establishing *sui generis*

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8 "Well that we had to make it clear to the […] experts that a definition consists of a sentence. In principle" (translation by the authors).

profiles that have emerged from their specific needs or historical development. For example, in the Court of Justice of the European Union domain experts are assigned a specific, double role of lawyer-linguists, which implies that they must also be language experts next to legal experts.

The roles taken by domain experts in terminology work call for a close collaboration with terminologists. The degree of formality of collaborative work between terminologists and domain experts may be:

(i)   institutionalised
(ii)   formal
(iii)   informal.

The collaboration of domain experts and terminologists may result from the organisational structure, in which both profiles work together in an institutionalised setting (e.g. a committee). Digital collaborative tools, such as collaborative platforms, reflect this institutionalised form of collaborative work, especially in the case of distributed teams. The needs analysis based on the interviews confirmed a high demand of such collaborative environments for terminology work (cf. Lušicky and Wissik 2012).

Example 4: Need for tools supporting cooperation and communication
    Was uns vielleicht fehlt momentan, ist so dieses Kommunikations-…, diese Plattform, so… zu kommunizieren (INT5).[9]

In the case of formal collaboration, the terminologists' institution establishes formal links with domain experts outside of their institutions. Translators-terminologists in some EU institutions reported having established formal contacts with domain experts in ministries and agencies in their respective member states. These contacts are available to staff as lists of contacts. Terminologists surveyed also reported relying on their informal network of domain experts. These experts are usually not available to other actors in the terminology workflow and are not accessible to other staff through a formal list of contacts.

Regardless of the current degree of collaboration, interviewees from different institutions voiced the need for closer collaboration and deeper integration of the domain experts in the terminology workflow:

Example 5: Need for closer collaboration with domain experts
    First, [I would wish] to have one lawyer-linguist by language in our team […]. One or two or three. Because for me, it is really important that these people that work in the terminology section are really close to the lawyer-linguists (INT8).

Due to the specifics of terminology work in the legal and administrative domain and its implications, terminology work in these domains calls for special attention and efforts in the collaborative approach by both terminologists and domain experts.

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[9] "What we maybe lack at the moment is this communication… this platform,… to communicate" (translation by the authors).

General terminology theory vs. terminology work in the legal domain

Terminologists working on multilingual legal and administrative terminology face a series of challenges that are not common to other domains or even partly clash against some basics of the General Terminology Theory (GTT)[10]. Several aspects of work in the legal domain have been motivated and largely discussed (among others, by Arntz 1999; Arntz et al. 2004, 170-178, de Groot 1999a; 1999b, Šarčević 1997, 229 ff.; Sandrini 1996, 1999) due to their strong theoretical and methodological implications and consequences. Other aspects however pertain so much to daily practice that they are mentioned quite rarely. In the following paragraphs we will try to give an overview, albeit a limited one, over the most important aspects that cause some specific methodologies and procedures commonly applied in legal and administrative terminology work to differ from the more general ones of GTT.

In GTT terms in a given language "designating the same concept" (ISO 704: 2009, 7.2.4) are considered synonyms (e.g. 'touchpad' and 'trackpad', 'wedding ring' and 'wedding band'). In the legal domain this requirement must be further specified: not only the natural language but also the legal system must coincide. In fact, two terms in the same natural language but pertaining to two different legal languages, i.e. to two legal systems using the same natural language (e.g. Austria and Germany, France and Belgium), cannot be treated as synonyms. For example, parental leave is called *Elternzeit* in Germany and often *(Eltern)Karenz* in Austria, but in legal contexts the two terms cannot be used interchangeably. Therefore, they are never to be treated as synonyms but rather as equivalents[11], because they share the same *natural* language but not the same *legal* language. As we have seen above, an indissoluble relation exists between all legal terms and the legal system that produced them (cf. Sandrini 1996, 138; de Groot 1999a, 203). The domain of law being relatively poor of material objects (cf. Sandrini 1996, 39), it rather consists of abstract concepts that are expressed, described, created and modified through natural language (cf. Fioritto 2007, 408). As a consequence, legal terminology is embedded in the specific system of concepts it expresses and the exact meaning of each term can be understood and interpreted only within this system. The practical implications for daily terminology work in the domain of law include, for example, the need of creating separate records for terms indicating the same concept in the same natural language but in different legal systems.

Example 6: Same language but different terminology
> […] sometimes we have different terminologies for the same language. German you can have… [German, Austrian]. In Belgi[um], it's the same with Dutch. You can have the Belgian Dutch or the Dutch. So maybe you have different terminologies and maybe you don't want to use the term from either one of them because it would be misunderstood (INT6).

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[10] We are aware that GTT has been a subject of debate in various circles and that new theories have been formulated, notably by Cabré 1999, Gaudin 2003, Temmerman 2000. However, the basic considerations on multilingual legal terminology we discuss in this paper would be relevant also if compared against other theoretical frameworks which are more oriented towards a communicative, socioterminological and sociocognitive approach.

[11] In multilingual terminology work equivalence designates the conceptual correspondence of terms in different natural languages (cf. Arntz et al. 2004, 148).

In GTT the method applied to determine equivalence between terms in two languages consists in comparing the characteristics of the concept designated by one term with the characteristics of the concept expressed by the other term. Terms can be considered equivalent when their conceptual characteristics correspond (cf. Arntz et al. 2004, 148). This procedure of terminological comparison should be integrated with a legal comparativist approach when dealing with terminology that belongs to different legal systems. Not only must the characteristics of the concept be analysed, but also the broader legal context, thus taking into consideration the effects and consequences of a legal concept as well as its position within the legal system and the relations with other neighbouring concepts (see section on micro-comparison above). Due to the many conceptual differences between legal systems, the elaboration of multilingual legal terminologies poses not only a linguistic but also a legal challenge (cf. Arntz et al. 2004, 171).

Example 7: Legal comparison for legal terminology
> We tried to cover all the national systems and the EU system and […] we have
> done a comparison between each system and […] the EU (INT8).

Some exceptions with regard to general practice in GTT apply also in the selection of sources to be used in order to compile terminology entries in the legal domain. The generally synchronic character of terminology work implies that the source material used should be as recent and up-to-date as possible (cf. Arntz et al 2004, 221; DTT 2010, M2-5.2). Especially in domains which are in constant development or are undergoing deep changes, it is paramount for terminologists to avoid any reference to old and outdated sources. This ensures the greatest possible usability of the terminology at the moment it is released and avoids compiling terminological entries that are already outdated at the moment of production. Also the legal domain is in constant evolution, like any other specialist domain. However, while it is evident that using sources written a few decades ago to produce the terminology of automotive industry or of telecommunications would lead to completely useless results because of the huge technical developments and radical changes that affected these domains, in the legal domain it might be quite necessary to refer to laws and regulations that were drafted several years or decades earlier. This holds true even for domains that have undergone recent changes, since the main reference text for certain terms and concepts might still be the older ones. Also, in many countries some parts of the original Constitutions and of the Codes written after World War II and even earlier remain essential references and sources of legal terminology and should not be excluded from the corpus of documents used in terminology work.

A similar exception applies to translated documents in the legal domain. Usually the reference material for terminology work is selected among the works written by native speakers (cf. Arntz et al 2004, 221; KÜDES 2002, 5.1.2; DTT 2010, M2-5.2) in order to avoid recording variants and usages that are actually wrong or not common among the native language experts of the domain. However, in the legal domain the translations with legally binding status are considered relevant and legitimate reference material (cf. KÜDES 2002, 5.1.4). In some national and supranational multilingual legal systems, e.g. Switzerland or the European Union, translated documents might even be the only possible source of terminology in some

languages and specific subdomains. In addition, in such multilingual legal systems legislation is not necessarily always drafted by native speakers. The same exception concerning translated material applies to many international conventions and agreements that are translated and ratified at national level and which might be the primary sources of terminology that is then further used in other national legal texts.

When selecting the reference material for a terminology project different factors apply, among others: the domain or subdomain under analysis, the aims of the terminological collection, the languages treated, the potential target users as well as the availability of material (in paper or electronic format). According to these factors, different types of sources will be considered more or less relevant, that in turn might or might not be available in a given language. For example, when working with technical subjects the relevant industry standards will probably be relevant sources, while the terminology of social media might rather be found in relatively short-lived online sources. Also in the legal domain the above-mentioned factors will influence the selection of source material. Nevertheless, it should not be forgotten that a specific hierarchy of sources exists in the legal domain (international, supranational, national, regional and local legislation, jurisprudence, etc.), which will influence the collection of source documents and practical terminology work. In fact, texts with different positions in the legal hierarchy, e.g. codes, decrees or administrative texts, might contain different designations and variants for the same legal concept (cf. Chiocchetti et al. 2013, 17). For example, while the Italian traffic code *Codice della strada* uses and defines (cf. CdS art. 123, co. 1) the term *autoscuola* (driving school), other legal texts all use the synonym *scuola guida*. Another example comes from the the German social security code *Sozialgesetzbuch VI*, which never uses the term *Hinterbliebenenrente* (survivor's pension) but lists different specific types of survivor's pensions (cf. SGB VI § 33, Abs. 4). However, the umbrella term *Hinterbliebenenrente* is commonly present in all documents drafted by institutions offering social protection schemes, e.g. social security funds, pension funds, welfare funds or insurance companies (Wissik 2011, 287). Especially in prescriptive terminology work, the legal hierarchy of the source texts becomes one of the guiding principles when deciding which variants should be recorded in the terminological database and labelled as main term or preferred term. Still, the intrinsic relevance of any source documentation must be assessed separately for every legal subdomain treated, as not all types of sources might be equally important. For example, international treaties are definitely essential for work on human rights terminology, while urban planning terminology is contained primarily in national and regional/local legislation (cf. Chiocchetti et al. 2013, 17). Also, the Italian terminology of criminal law is often not directly contained in the Penal Code, which would normally be regarded as the main source of reference, but rather in the books of legal doctrine. Similarly, when dealing with legal phraseology certain types of texts with a strongly applicative rather than normative character[12] (e.g. case records, notary deeds, contracts, etc.) might lead to better and richer results.

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[12] Mortara Garavelli (2001, 25-34) distinguishes between legal texts of a normative, interpretative and applicative nature. The first type includes, among others, constitutions, laws and statutes. The second category consists of works explaining and discussing the theoretical backgrounds of law, such as manuals, essays, scientific articles, etc. The last group comprises all types of court records and documents, administrative deeds and any kind of private act (contracts, wills, etc.).

The traditionally preferred form for definitions in GTT is the intensional definition, which is considered the most explicit and precise way of defining a concept (ISO 704: 2009, 6.1), as it clearly reveals the characteristics of a concept within the concept system it belongs to. Intentional definitions begin "with a predicate noun stating the broader generic (superordinate) concept associated with the concept being defined, together with delimiters indicating the characteristics that delimit the concept being defined from coordinate concepts" (ISO 704: 2009, 6.3.2). According to standard terminological practice, a definition is a statement which does not necessarily form a complete sentence. Also, the substitution principle applies: the definition should be able to replace the designation of the concept being defined in discourse without loss of or change in meaning (ISO 704: 2009, 6.3.4). However, in legal terminology work such well-structured but rather scanty definitions may clash against the availability of ready-made definitions in legal text (called *Legaldefinitionen* in German) on the one hand and against the complexity of the domain treated on the other hand. Experience proves that intensional definitions for legal terms might not be easily accepted by the legal experts, who would expect to see the official definition provided in the legal texts whenever possible. Intensional definitions might be of limited use also for language experts, e.g. translators and interpreters, who often need further information (besides the superordinate concept and the differences delimiting the concept being defined from the coordinate concepts) to fully understand a concept and to be able to correctly use and/or translate the corresponding designation.

Example 8: Definitions for translators

[I]f you go around writing definition[s] in convoluted language, maybe you don't necessarily help towards an understanding of it. […] Just give a hint as to how [the term] should be used. Because at the end of the day, if you are dealing with translators or writers, you can assume […] that they would know if you just say "This should be used in the legal context" (INT15).

Additional information can obviously be stored in notes. Still, in legal terminological databases, especially when the target audience is a mix of legal experts, language mediators, legal drafters, etc., it is very common to find different types of definitions: legal definitions proper, traditional intensional definitions, mixed forms and even encyclopaedic definitions, because the compilers of the terminological resource considered the needs of their users and tried to meet them as much as possible.

Concluding remarks

In this paper we have illustrated the terminology workflow in general and explained which aspects particularly distinguish terminology work in the legal and administrative domain from work in other domains. The micro-comparative approach and the role played by legal experts within the legal terminology elaboration workflow are two fundamental aspects we wished to discuss. In addition, we have illustrated some very practical aspects that cause some specific procedures and requirements of work in the legal and administrative domain to be different from those pertaining to other domains. Several aspects treated in this paper are further detailed and elaborated on in the "Guidelines for collaborative legal/administrative terminology work" (Chiocchetti et al

2013) that were produced as an output of the LISE project (see introduction). In offering a clear picture of the peculiarities of terminology work in the legal and administrative domain we hope to contribute in spanning bridges between terminology work in various domains and between theory and practice.

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